

**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention by Thomas E. Gester, William M. Rosenblum, Gayle K. Christopher, David T. Hamrick, Lawrence J. DeLucas and Brian Tillotson, entitled METHOD FOR ACQUIRING, STORING AND ANALYZING CRYSTAL IMAGES described in

the specification filed herewith
 application no. _____, filed _____
 patent no. _____, issued _____

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am

(a) Independent Inventor

a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Non-inventor Supporting a Claim By Another

making this verified statement to support a claim by _____ for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, and I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business concern

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Diversified Scientific, Inc.

ADDRESS OF CONCERN 1075 13th St. South, Birmingham, AL 35205-3409

That the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: _____

ADDRESS OF ORGANIZATION: _____

TYPE OF ORGANIZATION

University or other institution of higher education
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
 Nonprofit scientific or educational under Statute of State of the United States of America
(Name of State _____)
(Citation of Statute _____)
 Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)), if located in the United States of America
 Would qualify as nonprofit scientific or educational under Statute of State of the United States of America if located in the United States of America
(Name of State _____)
(Citation of Statute _____)

and that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 19(e) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

person (item (a) or (b) above)
 concern (item (c) above)
 organization (item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern having rights to the invention is listed below and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e)

no such person, concern or organization
 person, concerns or organizations listed below

FULL NAME _____ ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

Docket No.
DSI-10002/22

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR ACQUIRING, STORING AND ANALYZING CRYSTAL IMAGES

the specification of which

(check one)

is attached hereto.

was filed on January 14, 2000 as United States Application No. or PCT International Application Number 09/462,950
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/052,902	7/16/97
(Application Serial No.)	(Filing Date)

(Application Serial No.)	(Filing Date)
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(Application Serial No.)	(Filing Date)
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I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/US98/14776 (Application Serial No.)	7/16/98 (Filing Date)	Abandoned (Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

Ernest I. Gifford, Reg. No. 20,644
 Allen M. Krass, Reg. No. 18,277
 Irvin L. Groh, P.O. Reg. No. 17,505
 Douglas W. Sprinkle, P.O. Reg. No. 27,394
 Thomas E. Anderson, P.O. Reg. No. 31,318
 Ronald W. Citkowski, Reg. No. 31,005
 Ellen S. Cogen-Lipton, P.O. Reg. No. 38,109
 Douglas J. McEvoy, P.O. Reg. No. 34,385
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 Mark D. Schneider, P.O. Reg. No. 43,906
 Roberta J. Morris, Ph.D., Reg. No. 33,196
 Maria Comnimou, Ph.D., Reg. No. 44,626
 Jill Rogers-Manning, Reg. No. 43,889

(15)

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 Ellen S. Cogen (248)647-6000

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Full name of sole or first inventor <u>Thomas E. Gester</u>	Sole or first inventor's signature 	Date <u>4/26/00</u>
Residence <u>Mountain Brook, Alabama</u>	<u>AL</u>	
Citizenship <u>US</u>		
Post Office Address <u>3020 Briarcliff Road</u>		
<u>Mountain Brook, AL 35223</u>		

Full name of second inventor, if any <u>William M. Rosenblum</u>	Second inventor's signature 	Date <u>4/26/00</u>
Residence <u>Birmingham, Alabama</u>	<u>AL</u>	
Citizenship <u>US</u>		
Post Office Address <u>2690 Altadena Road</u>		
<u>Birmingham, AL 35243</u>		

3. b) Full name of third inventor, if any
Gayle K. Christopher

Third inventor's signature

Date
4/25/00

Residence
Harpersville, AL

Citizenship
US

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1025288 Lake Wood Drive

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Full name of fourth inventor, if any
David T. Hamrick

Fourth inventor's signature

Date

Residence
Glencoe, AL

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745 Rifle Range Road

Glencoe, AL 35905

Full name of fifth inventor, if any
Lawrence J. Delucas

Fifth inventor's signature

Date

4-10-2000

Residence
Birmingham, AL 35243

Citizenship
US

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Birmingham, AL 35243

Full name of sixth inventor, if any
Brian Tillotson

Sixth inventor's signature

Kent

Ken Washington

Citizenship
US

Post Office Address
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Kent, WA 98042

Date
4/15/2000